

Staff Summary Report



Hearing Officer Hearing Date: June 27, 2007

Agenda Item Number: 13

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **WENZEL RESIDENCE** located at 1006 South Una Avenue.

DOCUMENT NAME: 20070627dssa06

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items in violation of the Tempe City Code for the **WENZEL RESIDENCE (PL070229/ABT07018)** (William Wenzel, property owner) Complaint No. CE072113 located at 1006 South Una Avenue in the R1-6, Single Family Residential District.

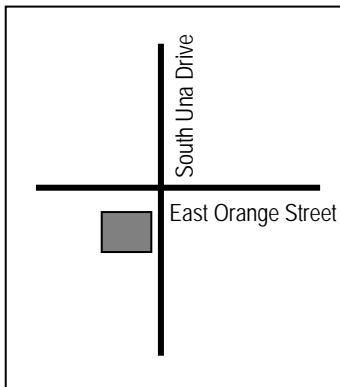
PREPARED BY: Steve Abrahamson, Planning and Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **WENZEL RESIDENCE** located at 1006 South Una Avenue in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property.



ATTACHMENTS:

1. List of Attachments
 2. Comments; History & Facts/Description
-
- A. Location Map(s)
 - B. Aerial Photo(s)
 - C. Neighborhood Enhancement Report
 - D. Staff Photographs

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **WENZEL RESIDENCE** located at 1006 South Una Avenue in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Michelle Arnieri, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

Staff recommends the authorization of abatement of this property.

HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

November 7, 2006 Neighborhood Enhancement Division staff removed a request to abate the Wenzel Residence at the Hearing Officer meeting.

DESCRIPTION: Owner – William Wenzel
Applicant – Michelle Arnieri, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot Size – 7,832 s.f. / .18 acres
Building Size – 1,290 s.f.
Year Constructed - 1948

WENZEL RESIDENCE
PL070229
UNIVERSITY DR
R-3
8TH ST
MCCLINTOCK DR
R-4
R-4
R1-6
R1-6
R-4
**SITE
R1-6**
R1-6
R1-6
ORANGE ST
R1-6
R1-6
DON CARLOS AV
R1-6
R1-6
R1-6
R-3
LEMON ST
R1-6
R1-6
R1-6




WENZEL RESIDENCE (PL070229/ABT07018)

DATE: May 22, 2007
TO: Jan Koehn, Neighborhood Enhancement Administrator
FROM: Michelle Arnieri, Code Inspector
SUBJECT: Request Authorization to Abate Complaint CE072113

LOCATION: 1006 S. Una Ave, Tempe AZ 85281

LEGAL: Book 132, Map 61, Parcel 015, as recorded with the Maricopa County Assessor

OWNER: William Carl Wenzel
1006 S. Una Ave.
Tempe, AZ 85281

FINDINGS:

4-25-07 The fence along the Orange St. side has fallen over again and other portions of the fence are deteriorated. I sent a courtesy notice to the owner William Wenzel warning that if the fence is not brought into compliance the property will go to the abatement process and no further notices will be given for the same violation.

5-22-07 The fence is still deteriorated and fallen over, submitted for abatement.

RECOMMENDATIONS:

Staff recommends the abatement of code violations be authorized due to Mr. William Wenzel failing to comply with repeated notifications, citations, previous abatements regarding the violations of the Tempe City Code. Mr. Wenzel has been sent a courtesy notice regarding the deteriorated fence at his property. There has already been abatements at this property, past citations that are in default for not appearing in court and the property continues to remain in violation for the codes he has been cited for. It should be noted that I have had several prior cases at this property that took extensive time to reach resolution. On February 16, 2001 CE010723 was opened for deteriorated landscape and fence and took eight months to gain compliance. Case # CE 031892 was opened on May 6, 2003 for deteriorated landscape and took one year to gain compliance. On August 14, 2004 case # CE 042607 was opened for numerous violations including the deteriorated fence which involved one abatement being

completed and another submitted but withdrawn at the last minute due to the owner gaining compliance. That case was worked for over two years. Mr. Wenzel is a habitual offender of city nuisance code 21-3-b-15. Bishop Inc. a city contractor has submitted a bid for \$575.00 to repair the deteriorated fence at this property.

Respectfully submitted,

Michelle Arnieri

ACTION TAKEN:

Refered for abatement

NAME

LaKwiel

DATE:

5/22/07

City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov

Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2278 (fax)

Neighborhood Enhancement

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

May 22, 2007

William Wenzel
1006 S. Una Ave.
Tempe, AZ 85281

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LEGAL: Book 132, Map 61, Parcel 015, as recorded with the Maricopa County Assessor.

LOCATION: 1006 S. Una Ave., Tempe, AZ 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of June 19, 2007. We are requesting Hearing Officer authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of the **deteriorated fence**.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$ 575.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372 or contact me at **(480) 858-2088**.

Michelle Arnieri, Code Inspector

CASE #CE072113



City of Tempe Code Compliance Division
Courtesy Notice
We need your help to keep our City clean

Notice was delivered to:

William Wenzel
1006 S. Una Ave.
Tempe, AZ 85281

This is a courtesy notice to inform you that on April 25, 2007 1006 S. Una Ave. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Section 21 of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code **before May 9, 2007** you will not be subject to citations or fines for the violation(s). We appreciate your cooperation in this matter.

Violation of the Tempe City Code, Chapter 21-3-b-15

Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property.

Please take the following corrective action

Required Correction(s):

1. Repair or remove the deteriorated fence from the property.

An abatement will be requested if the property is not brought into compliance. If the fence is in violation again an automatic abatement request will be filled without written notice to you.

Code Inspector: Michelle Arnieri
Phone Number: 480-858-2088

